

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.27074 of 1995

Between:

Karusothu Pentaiah & others.

...Petitioners.

AND

Government of Andhra Pradesh,
rep. by Ex-officio Secretary,
Food and Civil Supplies Department,
Secretariat, Hyderabad & others.
Respondents.

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:: O R D E R ::

Counsel for the Petitioners

: Ms. Kiranmayee
representing Sri J. V. Prasad

Counsel for the Respondents
for

: Government Pleader
Civil Supplies

12th JULY 2006

In this petition filed under Article 226 of the Constitution of India, the petitioners have prayed for quashing order dated 4-10-1995 passed by the State Government for closure of Mandal Level Stockist Point (for short, 'the MLS Point') of Laveru Mandal, Srikakulam District.

In the affidavit filed by Sri K.Pentaiah (petitioner No.1) it has been averred that all the petitioners are Khalasis/labourers engaged in the loading and unloading of stocks at MLS Point at Laveru for last ten years. He has further averred that essential commodities like Rice, Sugar, Kerosene etc distributed through the fair price shops within the area of Laveru Mandal are brought from the warehouses situated at Amadalavalasa and Pondaru and unloaded at the MLS Points. The stocks are stored in the godown at Laveru and from there the same are distributed to fair price shop dealers numbering 50. Still further, it has

been averred that vide order dated 13-4-1993 the State Government decided to abolish some of the existing MLS Points in Srikakulam District including the MLS Point at Laveru and attach the same with MLS Point at Ranasthalam. That order was challenged by fair price shop dealer of Laveru, namely Sri V.Veeraju in Writ Petition No. 6452 of 1993 which was disposed of by the learned Single Judge on 11-10-1993 with a direction to the concerned authority to pass fresh order after hearing the writ petitioner.

The grievance of the petitioners is that without giving them opportunity of hearing, the State Government passed order dated 4-10-1995 for closure of MLS Point at Laveru. According to them, the decision contained in the impugned order is violative of their fundamental rights guaranteed under Articles 14, 21 and 39 (a) of the Constitution.

Ms. Kiranmayee argued that the impugned order is liable to be quashed because the decision to abolish MLS Point at Laveru has been taken without hearing the petitioners and without considering the need for continuing the MLS Point at Laveru. She emphasizes that the petitioners are earning their livelihood by undertaking the work of loading and unloading of stocks at MLS Point at Laveru and if the impugned decision is implemented, they and their families would be deprived of the only source of livelihood and, in this manner, their right to life guaranteed under Article 21 of the Constitution will be jeopardized.

I have thoughtfully considered the submissions of the learned counsel, but have not felt impressed. In my view, the petitioners' objection to the abolition of MLS Point at Laveru is misconceived and the writ petition is liable to be dismissed. The decision of the State Government to establish MLS Point at a particular place in the District or abolish the same is a purely executive decision. It is not regulated by any statute. How the system of distribution of essential commodities should be structured and how the scheme meant for

distribution of essential supplies through fair price shops should be implemented are matters which lie within the exclusive domain of the State and there is no warrant for the court's interference with the discretion exercised by the competent authority in abolishing MLS Point at Laveru, moreso because it has not been shown that the impugned decision is violative of any statutory provision or is vitiated due to mala fides. Admittedly, the petitioners are neither running any fair price shop in Laveru Mandal nor they have any role to play in the working of MLS Point at Laveru. Therefore, they cannot complain against the abolition of MLS Point at Ranasthalam. They are also not entitled to invoke Article 21 of the Constitution and seek invalidation of the impugned order simply because the decision of the government to abolish the MLS Point at Laveru may reduce the work relating to loading and unloading of stocks. Therefore, I do not find any valid ground to nullify order dated 4-10-1995.

In the result, the writ petition is dismissed.

G.S. SINGHVI, C.J.

12th July, 2006.

svs